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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,738	04/16/2001	Steven Bristow	22962-7005	9746

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/837,738

Applicant(s)

BRISTOW ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 and 51-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 51-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/7/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure submitted on 06/7/05 have been considered by the examiner (see attached PTO-1449

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-6, 10, 12, 17-21, 23-24, 26, 29, 51-52, 54-56, 59-60, 62, 66-71, 73-74, 76, 79, are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffman (US Publication 2004/0014478 A1).

Regarding claims 1, 20, 51, 70, Hoffman inherently teaches a method/apparatus of providing status data regarding a user item, the method comprising the steps of:

obtaining a first type of status data, a second type of status data and a third type of status data (page 3 section 0040, page 5 section 0073);

encoding the first type of status data in a first data field of a fixed-length data packet (page 5 section 0074);

encoding the second type of status data and the third type of status data in a second data field of the fixed-length data packet (page 5 section 0074); and transmitting the data packet (page 5 section 0077).

Regarding claims 2, 23, 52, 73, Hoffman teaches a method/apparatus wherein the first type of status data comprises location data (page 3 section 0049).

Regarding claims 4, 24, 54, 74, Hoffman inherently teaches a method/apparatus wherein at least one of the second type of status data and the third type of status data comprises alarm status data (page 4 section 0051).

Regarding claims 5, 55, Hoffman teaches a method/apparatus further comprising an initial step of receiving a user's request for at least one of the first, second and third types of status data (page 4 section 0055).

Regarding claims 6, 10, 19, 56, 60, 66, 76, Hoffman teaches a method/apparatus further comprising a step of receiving a user item control command (page 4 section 0055).

Regarding claims 12, 21, 62, 71, Hoffman teaches method/apparatus of encoding alarm code data, speed data, direction data and location data regarding a user item and transmitting these data, the method comprising the steps of:

encoding the location data in a location data field of a fixed-length data packet (page 5 sections 0074, 0078 page 5 section 0079);

encoding the direction data in a direction data field of the fixed-length data packet (page 5 section 0074);

encoding the alarm code data and the speed data in a combined data field of the fixed-length data packet (page 6 section 0083); and

transmitting the data packet (page 6 sections 0085, 0086).

Regarding claims 17, 67, Hoffman teaches a method/apparatus further comprising an initial step of receiving a request for at least one of the location data, alarm code data, speed data, direction data and location data (page 6 section 0079).

Regarding claims 18, 29, 68, 79, Hoffman teaches a method/apparatus further comprising a step of receiving a user item control command (page 6 section 0083).

Regarding claims 19, 69, Hoffman teaches a method/apparatus further comprising a step of controlling the user item according to the user item control command (page 6 section 0083).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7-9, 11, 13-16, 22, 25-28, 53, 57-59, 61, 63-65, 72, 75, 77-78, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. (US Publication 2004/0014478 A1).

Regarding claims 3, 13, 22, 63, 53, 72, Hoffman does not specifically mention a method/apparatus wherein upstream data package comprises the fixed-length data packet which is a 15-digit data. However, the examiner takes official notice that a method/apparatus wherein upstream data package comprises the fixed-length data packet which is a 15-digit data packet, is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Huffman, in order to provide a remote alarm system combined with a locating and tracking that may be concealed in a wristband

Regarding claims 7, 16, 25-26, 57, 66, 75, Hoffman does not specifically mention a method/apparatus wherein the second data field occupies approximately one byte of the upstream data which is a fixed-length data packet. However, the examiner takes official notice that a method/apparatus wherein the second data field occupies approximately one byte of the upstream

data which is a fixed-length data packet is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Huffman, in order to provide a remote alarm system combined with a locating and tracking that may be concealed in a wristband

Regarding claims 8, 27, 58, 77, Hoffman does not specifically mention a method/apparatus wherein the second data field is a two-digit data field of the upstream data packet. However, the examiner takes official notice that a method/apparatus wherein the second data field is a two-digit data field of the upstream data packet is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Huffman, in order to provide a remote alarm system combined with a locating and tracking that may be concealed in a wristband

Regarding claims 9, 14, 28, 59, 64, 78, Hoffman does not specifically mention a method/apparatus wherein the first type of status data comprises location data and wherein the first data field occupies 12 digits of the fixed-length data packet. However, the examiner takes official notice that a method/apparatus wherein the first type of status data comprises location data and wherein the first data field occupies 12 digits of the fixed-length data packet is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Huffman, in order to provide a remote alarm system combined with a locating and tracking that may be concealed in a wristband

Regarding claims 11, 61, Hoffman does not specifically mention a method/apparatus further comprising a step of encoding a fourth type of status data in a third data field of the fixed-length data packet. However, the examiner takes official notice that a method/apparatus further comprising a step of encoding a fourth type of status data in a third data field of the fixed-length data packet, is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Huffman, in order to provide a remote alarm system combined with a locating and tracking that may be concealed in a wristband.

Regarding claims 15, 65, Hoffman does not specifically mention a method/apparatus wherein the combined data field comprises a 2-digit data field. However, the examiner takes official notice that a method/apparatus wherein the combined data field comprises a 2-digit data field is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching with Huffman, in order to provide a remote alarm system combined with a locating and tracking that may be concealed in a wristband.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Berglund et al.** (US Patent 5,596,313 A1) disclose dual power security

**Lundy et al.** (US Patent 6,912,545 A1) disclose location-code system for location-based services



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**Lewin et al.** (US Patent 4,774,658) disclose standdized alarm notification transmission alternative system

**7. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

July 6, 2005

MELODY MEHRPOUR  
PATENT EXAMINER

  
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